

ESTTA Tracking number: **ESTTA585675**

Filing date: **02/05/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Combe Incorporated		
Entity	Corporation	Citizenship	Delaware
Address	1101 Westchester Avenue White Plains, NY 10604 UNITED STATES		

Attorney information	Robert R. Caliri Olson & Cepuritis, Ltd. 20 N. Wacker Dr., 36th Floor Chicago, IL 60606 UNITED STATES rcaliri@olsonip.com, adigman@olsonip.com, docket@olsonip.com Phone:312-580-1180
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Applicant Information

Application No	86038104	Publication date	01/07/2014
Opposition Filing Date	02/05/2014	Opposition Period Ends	02/06/2014
Applicant	Marke Enterprises, LLC 227 Sandy Springs Place, Ste. D133 Atlanta, GA 30328 GABON		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Vaginal antifungal preparations
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Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1104172	Application Date	04/03/1978
Registration Date	10/17/1978	Foreign Priority Date	NONE
Word Mark	VAGISIL		
Design Mark			
Description of Mark	NONE		


Goods/Services	Class 005. First use: First Use: 1973/09/13 First Use In Commerce: 1973/09/13 PHARMACEUTICAL PREPARATIONS-NAMELY, MEDICATED CREMES		
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U.S. Registration No.	1424503	Application Date	05/13/1985
Registration Date	01/13/1987	Foreign Priority Date	NONE
Word Mark	VAGISIL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1985/02/22 First Use In Commerce: 1985/02/22 COSMETICS - NAMELY, POWDERS FOR FEMININE USE		

U.S. Registration No.	2971826	Application Date	04/14/2003
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	VAGISIL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2005/02/04 First Use In Commerce: 2005/02/04 Pharmaceuticals, namely, medicated premoistened towelettes for feminine use		


U.S. Registration No.	3285997	Application Date	04/03/2006
Registration Date	08/28/2007	Foreign Priority Date	NONE
Word Mark	VAGISIL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2006/03/30 First Use In Commerce: 2006/03/30 Vaginal pH testing kits containing testing swabs and color guides		

U.S. Registration No.	3696951	Application Date	11/05/2008
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Registration Date	10/13/2009	Foreign Priority Date	NONE
Word Mark	VAGISIL SATIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/01/08 First Use In Commerce: 2009/01/08 Medicated nonprescription topical creams, namely, anti-itch creams		

U.S. Registration No.	4073832	Application Date	05/04/2011
Registration Date	12/20/2011	Foreign Priority Date	NONE
Word Mark	VAGISIL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2009/12/14 First Use In Commerce: 2009/12/14 Non-medicated feminine washes		

U.S. Registration No.	4205458	Application Date	02/02/2012
Registration Date	09/11/2012	Foreign Priority Date	NONE
Word Mark	VAGISIL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1995/07/24 First Use In Commerce: 1995/07/24 Moisturizers for the skin at the external vaginal area

U.S. Registration No.	4343995	Application Date	05/11/2012
Registration Date	05/28/2013	Foreign Priority Date	NONE
Word Mark	VAGISIL		
Design Mark			
Description of Mark	The mark consists of the word "VAGISIL" in stylized letters, and a design consisting of two curved members which converge at the bottom of the design.		
Goods/Services	<p>Class 003. First use: First Use: 2013/01/22 First Use In Commerce: 2013/01/22 Nonmedicated products for feminine use, namely, feminine soothing creams for the skin, moisturizers for the skin at the external vaginal area, feminine deodorant powders, and nonmedicated feminine hygiene washes</p> <p>Class 005. First use: First Use: 2013/01/22 First Use In Commerce: 2013/01/22 Medicated products for feminine use, namely, feminine anti-itch creams, and premoistened feminine wipes</p> <p>Class 010. First use: First Use: 2013/01/29 First Use In Commerce: 2013/01/29 Vaginal pH screening kits containing pH test swabs and color guides</p>		

Attachments	76506165#TMSN.gif(bytes) 78852682#TMSN.jpeg(bytes) 77608036#TMSN.jpeg(bytes) 85311816#TMSN.jpeg(bytes) 85532058#TMSN.jpeg(bytes) 85622954#TMSN.jpeg(bytes) Combe-Marke-VAGISERT-001a-noo.pdf(11831 bytes)
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	VAGISILReg-Ex.1-Ex.8.pdf(3606975 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robert R. Caliri/
Name	Robert R. Caliri
Date	02/05/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**IN THE MATTER OF APPLICATION SERIAL NO. 86038104
PUBLISHED IN THE OFFICIAL GAZETTE OF JANUARY 7, 2014**

COMBE INCORPORATED,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition Proceeding No. _____
	:	
MARKE ENTERPRISES, LLC,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Opposer, Combe Incorporated ("Opposer"), a corporation organized under the laws of Delaware, having an address of 1101 Westchester Avenue, White Plains, New York 10604, believes that it will be damaged by the registration of the trademark VAGISERT as shown in Application Serial No. 86038104, filed on August 14, 2013, and hereby opposes the application.

As grounds for the opposition, it is alleged that:

1. Opposer has for many years offered for sale and sold in commerce, and is now offering for sale and selling in commerce, health and personal care products, including but not limited to, powders, creams, moisturizers, washes, towlettes/wipes, and testing/screening kits for feminine use under trademarks consisting of or containing VAGISIL ("Opposer's Trademarks").

2. Opposer is the owner of U.S. Trademark Registration No. 1104172 for VAGISIL for "Pharmaceutical preparations - namely, medicated cremes" in Class 5.

3. A true and correct copy of U.S. Trademark Registration No. 1104172 for the VAGISIL trademark, issued October 17, 1978, together with a printout from the TSDR database

showing the title and status of the VAGISIL trademark registration, are attached hereto as

Exhibit 1.

4. Opposer is the owner of U.S. Trademark Registration No. 1424503 for VAGISIL for "Cosmetics - namely, powders for feminine use" in Class 3.

5. A true and correct copy of U.S. Trademark Registration No. 1424503 for the VAGISIL trademark, issued January 13, 1987, together with a printout from the TSDR database showing the title and status of the VAGISIL trademark registration, are attached hereto as

Exhibit 2.

6. Opposer is the owner of U.S. Trademark Registration No. 2971826 for VAGISIL for "Pharmaceuticals, namely, medicated premoistened towelettes for feminine use" in Class 5.

7. A true and correct copy of U.S. Trademark Registration No. 2971826 for the VAGISIL trademark, issued July 19, 2005, together with a printout from the TSDR database showing the title and status of the VAGISIL trademark registration, are attached hereto as

Exhibit 3.

8. Opposer is the owner of U.S. Trademark Registration No. 3285997 for VAGISIL for "Vaginal pH testing kits containing testing swabs and color guides" in Class 10.

9. A true and correct copy of U.S. Trademark Registration No. 3285997 for the VAGISIL trademark, issued August 28, 2007, together with a printout from the TSDR database showing the title and status of the VAGISIL trademark registration, are attached hereto as

Exhibit 4.

10. Opposer is the owner of U.S. Trademark Registration No. 3696951 for VAGISIL

SATIN for "Medicated nonprescription topical creams, namely, anti-itch creams" in Class 5.

11. A true and correct copy of U.S. Trademark Registration No. 3696951 for the VAGISIL SATIN trademark, issued October 13, 2009, together with a printout from the TSDR database showing the title and status of the VAGISIL SATIN trademark registration, are attached hereto as Exhibit 5.

12. Opposer is the owner of U.S. Trademark Registration No. 4073832 for VAGISIL for "Non-medicated feminine washes" in Class 3.

13. A true and correct copy of U.S. Trademark Registration No. 4073832 for the VAGISIL trademark, issued December 20, 2011, together with a printout from the TSDR database showing the title and status of the VAGISIL trademark registration, are attached hereto as Exhibit 6.

14. Opposer is the owner of U.S. Trademark Registration No. 4205458 for VAGISIL for "Moisturizers for the skin at the external vaginal area" in Class 3.

15. A true and correct copy of U.S. Trademark Registration No. 4205458 for the VAGISIL trademark, issued September 11, 2012, together with a printout from the TSDR database showing the title and status of the VAGISIL trademark registration, are attached hereto as Exhibit 7.

16. Opposer is the owner of U.S. Trademark Registration No. 4343995 for VAGISIL and design for "Nonmedicated products for feminine use, namely feminine soothing creams for the skin, moisturizers for the skin at the external vaginal area, feminine deodorant powders, and nonmedicated feminine hygiene washes" in Class 3, "Medicated products for feminine use,

namely feminine anti-itch creams, and premoistened feminine wipes" in Class 5, and "Vaginal pH screening kits containing pH test swabs and color guides" in Class 10.

17. A true and correct copy of U.S. Trademark Registration No. 4343995 for the VAGISIL and design trademark, issued May 28, 2013, together with a printout from the TSDR database showing the title and status of the VAGISIL and design trademark registration, are attached hereto as Exhibit 8.

18. Opposer owns rights in the VAGISIL trademark dating back to at least as early as September 1973.

19. Applicant, Marke Enterprises, LLC ("Applicant"), is a limited liability company having an address of 227 Sandy Springs Place, Ste. D133, Atlanta, Georgia 30328.

20. Applicant has applied in Application Serial No. 86038104 to register the VAGISERT trademark for "Vaginal antifungal preparations" in Class 5 ("Applicant's Mark").

21. Applicant has claimed no use of Applicant's Mark.

22. On information and belief, Applicant did not use Applicant's Mark prior to August 14, 2013, the filing date of the intent-to-use application.

23. On information and belief, Applicant has not used Applicant's Mark on any of the goods covered by the application.

24. On information and belief, Applicant did not use Applicant's Mark on any of the goods covered by the application prior to August 14, 2013.

25. Opposer's rights in Opposer's Trademarks are prior to Applicant's rights in Applicant's Mark.

26. Opposer has expended considerable sums of money in advertising, using, promoting and developing public awareness of Opposer's Trademarks and Opposer's goods. As a result of such expenditure and efforts, and of its products being of consistently high quality, Opposer's Trademarks have earned valuable and extensive goodwill and favorable reputation among the relevant trade and public as symbols which identify and distinguish Opposer's high quality health and personal care products from the products sold by others.

27. Applicant's Mark is confusingly similar to Opposer's Trademarks and is likely, when used in connection with the goods identified in Serial No. 86038104 to cause confusion, or to cause mistake, or to deceive.

28. Applicant's goods as set forth in Serial No. 86038104 are closely related to Opposer's goods and would be offered through the same or similar channels of trade, and used by one or more of the same classes of purchasers and users, such that consumers will be confused, mistaken or deceived into believing that Applicant's goods originate from, are authorized by or are in some way connected with Opposer.

29. Registration of Applicant's Mark would be inconsistent with Opposer's prior rights in Opposer's Trademarks, and would threaten to destroy Opposer's investment and goodwill in these marks.

30. For the foregoing reasons, Opposer will be damaged by registration of the VAGISERT mark as shown in Application Serial No. 86038104.

WHEREFORE, Opposer, Combe Incorporated, prays that this Opposition be sustained and that registration of the mark shown in Application Serial No. 86038104 be refused.

Respectfully submitted,

COMBE INCORPORATED

Date: February 5, 2014

By: Robert R. Caliri/

Robert R. Caliri
Alissa A. Digman
OLSON & CEPURITIS, LTD.
20 North Wacker Drive
36th Floor
Chicago, Illinois 60606
(312) 580-1180

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION with Exhibits 1-8** is being served via the United States Postal Service on the date shown below with sufficient postage prepaid as First Class Mail in an envelope addressed to:

Sonia F. Lakhany
Lilenfeld PC
2970 Peachtree Rd NW Ste 530
Atlanta, Georgia 30305-2114

on this 5th day of February, 2014.

/Alissa A. Digman/
Alissa A. Digman

EXHIBIT 1

Generated on: This page was generated by TSDR on 2013-11-14 16:42:02 EST

Mark: VAGISIL

US Serial Number: 73164746
US Registration Number: 1104172
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jul. 29, 2008

Application Filing Date: Apr. 03, 1978
Registration Date: Oct. 17, 1978

Mark Information

Mark Literal Elements: VAGISIL
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0586869, 0979805, 0997471

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: PHARMACEUTICAL PREPARATIONS-NAMELY, MEDICATED CREMES

International Class(es): 005 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Sep. 13, 1973

U.S Class(es): 018
Use in Commerce: Sep. 13, 1973

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: COMBE INCORPORATED
Owner Address: 1101 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 106043597
UNITED STATES

Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert R. Caliri
Attorney Primary Email Address: rcaliri@olsonip.com

Docket Number: Report 413
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Robert R. Caliri
Olson & Cepuritis, Ltd.
20 North Wacker Drive
36th Floor
Chicago, ILLINOIS 60606
UNITED STATES

Phone: 312-580-1180

Fax: 312-580-1189

Correspondent e-mail: rcaliri@olsonip.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Dec. 15, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 15, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 29, 2008	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70619
Jul. 29, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 29, 2008	ASSIGNED TO PARALEGAL	70619
Apr. 11, 2008	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 11, 2008	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 11, 2008	PAPER RECEIVED	
Jan. 16, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 07, 2008	CASE FILE IN TICRS	
Jun. 12, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 11, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 24, 1998	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
May 07, 1998	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Feb. 28, 1985	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 16, 1984	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 17, 2008

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jul. 29, 2008

Assignment Abstract Of Title Information**Summary**

Total Assignments: 3

Registrant: COMBE INCORPORATED

Assignment 1 of 3

Conveyance: ASSIGNS AS OF JAN. 1, 1981 THE ENTIRE INTEREST AND THE GOOD WILL

Reel/Frame: [0479/0725](#)

Pages: 3

Date Recorded: Oct. 16, 1984

Supporting Documents: No Supporting Documents Available

Assignor	
Name: COMBE INCORPORATED	Execution Date: Oct. 11, 1984
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Assignee	
Name: COMBE PRODUCTS, INC.	State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 1101 WESTCHESTER AVE. WHITE PLAINS, NEW YORK 10604	
DBA, AKA, TA, Formerly: FORMERLY COMBE PUERTO RICO, INC.	
Name: COMBE PRODUCTS, INC.	State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 1101 WESTCHESTER AVE. WHITE PLAINS, NEW YORK 10604	
Correspondent	
Correspondent Name: EMRICH AND DITHMAR	
Correspondent Address: SUITE 3000 150 NORTH WACKER DRIVE CHICAGO, IL 60606	
Domestic Representative - Not Found	
Assignment 2 of 3	
Conveyance: MERGER	
Reel/Frame: 2283/0022	Pages: 6
Date Recorded: Apr. 19, 2001	
Supporting Documents: assignment-tm-2283-0022.pdf	
Assignor	
Name: COMBE PRODUCTS, INC.	Execution Date: May 31, 2000
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Assignee	
Name: COMBE PHARMA LTD.	State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 1101 WESTCHESTER AVENUE WHITE PLAINS, NEW YORK 10604-3597	
Correspondent	
Correspondent Name: EMRICH & DITHMAR	
Correspondent Address: ROBERT R. CALIRI 300 SOUTH WACKER DRIVE SUITE 300 CHICAGO, IL 60606	
Domestic Representative - Not Found	
Assignment 3 of 3	
Conveyance: ASSIGNS THE ENTIRE INTEREST	
Reel/Frame: 3686/0181	Pages: 6
Date Recorded: Dec. 26, 2007	
Supporting Documents: assignment-tm-3686-0181.pdf	
Assignor	
Name: COMBE PHARMA LTD.	Execution Date: Dec. 20, 2007
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Assignee	
Name: COMBE INCORPORATED	State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 1101 WESTCHESTER AVENUE WHITE PLAINS, NEW YORK 10604-3597	
Correspondent	
Correspondent Name: ROBERT R. CALIRI	

Correspondent Address: OLSON & CEPURITIS, LTD.
20 NORTH WACKER DRIVE
36TH FLOOR
CHICAGO, ILLINOIS 60606

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91209708](#)

Filing Date: Mar 07, 2013

Status: Pending

Status Date: Mar 07, 2013

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Dr. August Wolff; GmbH & Co. KG Arzneimi ttel

Correspondent Address: MICHAEL J STRIKER
STRIKER STRIKER & STENBY
103 E NECK RD
HUNTINGTON NY , 11743-1567
UNITED STATES

Correspondent e-mail: striker@strikerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISAN	Opposition Pending	79111922	

Plaintiff(s)

Name: Combe Incorporated

Correspondent Address: ROBERT R CALIRI
OLSON & CEPURITIS LTD
20 N WACKER DR, 36TH FLOOR
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: rcaliri@olsonip.com , adigman@olsonip.com , docket@olsonip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISIL	Renewed	73164746	1104172
VAGISIL	Renewed	73536975	1424503
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	76506165	2971826
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	78852682	3285997
VAGISIL SATIN	Registered	77608036	3696951
VAGISIL	Registered	85311816	4073832
VAGISIL	Registered	85532058	4205458
VAGISIL THE EXPERT IN INTIMATE SKIN	Abandoned - No Statement Of Use Filed	85407329	
VAGISIL	Registered	85622954	4343995

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2013	Apr 21, 2013
3	PENDING, INSTITUTED	Mar 12, 2013	
4	STIP FOR EXT	Apr 10, 2013	
5	EXTENSION OF TIME GRANTED	Apr 10, 2013	
6	ANSWER	May 14, 2013	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 25, 2013	
8	SUSPENDED	Jun 25, 2013	

Int. Cl.: 5

Prior U.S. Cl.: 18

United States Patent and Trademark Office

Reg. No. 1,104,172

Registered Oct. 17, 1978

TRADEMARK

Principal Register

VAGISIL

Combe Incorporated (Delaware corporation)
1101 Westchester Ave.
White Plains, N.Y. 10604

For: PHARMACEUTICAL PREPARATIONS—
NAMELY, MEDICATED CREMES—in CLASS 5 (U.S.
CL. 18).

First use on or about Sept. 13, 1973; in commerce on
or about Sept. 13, 1973.

Owner of Reg. Nos. 586,869, 979,805, and 997,471.

Ser. No. 164,746, filed Apr. 3, 1978.

JOHN C. DEMOS, Supervisory Examiner

R. H. NEILSON, Examiner

EXHIBIT 2

Generated on: This page was generated by TSDR on 2013-11-14 16:43:40 EST

Mark: VAGISIL

US Serial Number: 73536975
US Registration Number: 1424503
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Mar. 17, 2007
Publication Date: Oct. 21, 1986

Application Filing Date: May 13, 1985
Registration Date: Jan. 13, 1987

Mark Information

Mark Literal Elements: VAGISIL
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0997471, 1104172

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: COSMETICS - NAMELY, POWDERS FOR FEMININE USE

International Class(es): 003 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Feb. 22, 1985

U.S Class(es): 051
Use in Commerce: Feb. 22, 1985

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: COMBE INCORPORATED
Owner Address: 1101 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 106043597
UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record	
Attorney Name: Robert R. Caliri Attorney Primary Email Address: rcaliri@olsonip.com	Docket Number: Report 413 Attorney Email Authorized: No
Correspondent	
Correspondent Name/Address: Robert R. Caliri Olson & Cepuritis, Ltd. 20 North Wacker Drive 36th Floor Chicago, ILLINOIS 60606 UNITED STATES	
Phone: 312-580-1180 Correspondent e-mail: rcaliri@olsonip.com	Fax: 312-580-1189 Correspondent e-mail Authorized: No
Domestic Representative - Not Found	

Prosecution History

Date	Description	Proceeding Number
Jul. 28, 2009	CASE FILE IN TICRS	97287
Dec. 15, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 15, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 16, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 12, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 17, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70619
Mar. 17, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 17, 2007	ASSIGNED TO PARALEGAL	70619
Nov. 28, 2006	TEAS SECTION 8 & 9 RECEIVED	
Apr. 11, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 11, 1993	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 08, 1992	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 13, 1987	REGISTERED-PRINCIPAL REGISTER	
Oct. 21, 1986	PUBLISHED FOR OPPOSITION	
Sep. 21, 1986	NOTICE OF PUBLICATION	
Sep. 03, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 29, 1986	ALLOWANCE/COUNT WITHDRAWN	
Aug. 13, 1985	NON-FINAL ACTION MAILED	
Jul. 15, 1985	ASSIGNED TO EXAMINER	64083

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Jan. 13, 2007

TM Staff and Location Information

TM Staff Information - None	
File Location	
Current Location: TMEG LAW OFFICE 101	Date in Location: Aug. 04, 2009

Assignment Abstract Of Title Information

Summary	
Total Assignments: 2	Registrant: COMBE PRODUCTS, INC.
Assignment 1 of 2	

Conveyance: MERGER

Reel/Frame: [2283/0022](#)

Pages: 6

Date Recorded: Apr. 19, 2001

Supporting Documents: [assignment-tm-2283-0022.pdf](#)

Assignor

Name: [COMBE PRODUCTS, INC.](#) Execution Date: May 31, 2000
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [COMBE PHARMA LTD.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 1101 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 10604-3597

Correspondent

Correspondent Name: EMRICH & DITHMAR
Correspondent Address: ROBERT R. CALIRI
300 SOUTH WACKER DRIVE
SUITE 300
CHICAGO, IL 60606

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3686/0181](#)

Pages: 6

Date Recorded: Dec. 26, 2007

Supporting Documents: [assignment-tm-3686-0181.pdf](#)

Assignor

Name: [COMBE PHARMA LTD.](#) Execution Date: Dec. 20, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [COMBE INCORPORATED](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 1101 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 10604-3597

Correspondent

Correspondent Name: ROBERT R. CALIRI
Correspondent Address: OLSON & CEPURITIS, LTD.
20 NORTH WACKER DRIVE
36TH FLOOR
CHICAGO, ILLINOIS 60606

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91209708](#)

Filing Date: Mar 07, 2013

Status: Pending

Status Date: Mar 07, 2013

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Dr. August Wolff; GmbH & Co. KG Arzneimi ttel
Correspondent Address: MICHAEL J STRIKER
STRIKER STRIKER & STENBY
103 E NECK RD
HUNTINGTON NY , 11743-1567
UNITED STATES
Correspondent e-mail: striker@strikerlaw.com

Associated marks

Serial

Registration

Mark	Application Status	Number	Number
VAGISAN	Opposition Pending	79111922	
Plaintiff(s)			

Name: Combe Incorporated

Correspondent Address: ROBERT R CALIRI
OLSON & CEPURITIS LTD
20 N WACKER DR, 36TH FLOOR
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: rcaliri@olsonip.com , adigman@olsonip.com , docket@olsonip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISIL	Renewed	73164746	1104172
VAGISIL	Renewed	73536975	1424503
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	76506165	2971826
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	78852682	3285997
VAGISIL SATIN	Registered	77608036	3696951
VAGISIL	Registered	85311816	4073832
VAGISIL	Registered	85532058	4205458
VAGISIL THE EXPERT IN INTIMATE SKIN	Abandoned - No Statement Of Use Filed	85407329	
VAGISIL	Registered	85622954	4343995

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2013	Apr 21, 2013
3	PENDING, INSTITUTED	Mar 12, 2013	
4	STIP FOR EXT	Apr 10, 2013	
5	EXTENSION OF TIME GRANTED	Apr 10, 2013	
6	ANSWER	May 14, 2013	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 25, 2013	
8	SUSPENDED	Jun 25, 2013	

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent and Trademark Office

Reg. No. 1,424,503

Registered Jan. 13, 1987

**TRADEMARK
PRINCIPAL REGISTER**

VAGISIL

COMBE PRODUCTS, INC. (DELAWARE COR-
PORATION)
1101 WESTCHESTER AVENUE
WHITE PLAINS, NY 10604

FIRST USE 2-22-1985; IN COMMERCE
2-22-1985.
OWNER OF U.S. REG. NOS. 997,471 AND
1,104,172.

FOR: COSMETICS - NAMELY, POWDERS
FOR FEMININE USE, IN CLASS 3 (U.S. CL. 51).

SER. NO. 536,975, FILED 5-13-1985.

MICHAEL MURPHY, EXAMINING ATTORNEY

EXHIBIT 3

Generated on: This page was generated by TSDR on 2013-11-14 16:44:32 EST

Mark: VAGISIL

VAGISIL

US Serial Number: 76506165 Application Filing Date: Apr. 14, 2003
US Registration Number: 2971826 Registration Date: Jul. 19, 2005
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Sep. 29, 2010
Publication Date: Dec. 16, 2003 Notice of Allowance Date: Mar. 09, 2004

Mark Information

Mark Literal Elements: VAGISIL
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 1104172, 1424503, 1902353, 2046035, 2521137, 2552376

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Pharmaceuticals, namely, medicated premoistened towelettes for feminine use

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 04, 2005

Use in Commerce: Feb. 04, 2005

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: COMBE INCORPORATED
Owner Address: 1101 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 106043597
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert R. Caliri Docket Number: Report 413
Attorney Primary Email: rcaliri@olsonip.com Attorney Email Authorized: No

Correspondent

Correspondent Robert R. Caliri
Name/Address: Olson & Cepuritis, Ltd.
20 North Wacker Drive
36th Floor
Chicago, ILLINOIS 60606
UNITED STATES

Phone: 312-580-1180

Fax: 312-580-1189

Correspondent e-mail: rcaliri@olsonip.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 29, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	74886
Sep. 27, 2010	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	74886
Sep. 29, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Sep. 27, 2010	PAPER RECEIVED	
Dec. 15, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 15, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 16, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 12, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 19, 2005	REGISTERED-PRINCIPAL REGISTER	
Apr. 14, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	65864
Apr. 08, 2005	ASSIGNED TO LIE	65864
Apr. 05, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 05, 2005	STATEMENT OF USE PROCESSING COMPLETE	64657
Mar. 01, 2005	USE AMENDMENT FILED	64657
Mar. 01, 2005	PAPER RECEIVED	
Sep. 14, 2004	EXTENSION 1 GRANTED	
Aug. 26, 2004	EXTENSION 1 FILED	
Aug. 26, 2004	PAPER RECEIVED	
Apr. 11, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 09, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 16, 2003	PUBLISHED FOR OPPOSITION	
Nov. 26, 2003	NOTICE OF PUBLICATION	
Oct. 18, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 18, 2003	ASSIGNED TO EXAMINER	67659

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 105

Date in Location: Sep. 29, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Combe Pharma Ltd.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3686/0181](#)

Pages: 6

Date Recorded: Dec. 26, 2007

Supporting Documents: [assignment-tm-3686-0181.pdf](#)

Assignor

Name: [COMBE PHARMA LTD.](#) Execution Date: Dec. 20, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [COMBE INCORPORATED](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 1101 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 10604-3597

Correspondent

Correspondent Name: ROBERT R. CALIRI
Correspondent Address: OLSON & CEPURITIS, LTD.
20 NORTH WACKER DRIVE
36TH FLOOR
CHICAGO, ILLINOIS 60606

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91209708](#) Filing Date: Mar 07, 2013
Status: Pending Status Date: Mar 07, 2013
Interlocutory Attorney: WENDY COHEN

Defendant

Name: Dr. August Wolff; GmbH & Co. KG Arzneimi ttel
Correspondent Address: MICHAEL J STRIKER
STRIKER STRIKER & STENBY
103 E NECK RD
HUNTINGTON NY , 11743-1567
UNITED STATES
Correspondent e-mail: striker@strikerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISAN	Opposition Pending	79111922	

Plaintiff(s)

Name: Combe Incorporated
Correspondent Address: ROBERT R CALIRI
OLSON & CEPURITIS LTD
20 N WACKER DR, 36TH FLOOR
CHICAGO IL , 60606
UNITED STATES
Correspondent e-mail: rcaliri@olsonip.com , adigman@olsonip.com , docket@olsonip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISIL	Renewed	73164746	1104172
VAGISIL	Renewed	73536975	1424503
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	76506165	2971826
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	78852682	3285997
VAGISIL SATIN	Registered	77608036	3696951
VAGISIL	Registered	85311816	4073832
VAGISIL	Registered	85532058	4205458

VAGISIL THE EXPERT IN INTIMATE SKIN

Abandoned - No Statement Of Use Filed

[85407329](#)

VAGISIL

Registered

[85622954](#)

[4343995](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2013	Apr 21, 2013
3	PENDING, INSTITUTED	Mar 12, 2013	
4	STIP FOR EXT	Apr 10, 2013	
5	EXTENSION OF TIME GRANTED	Apr 10, 2013	
6	ANSWER	May 14, 2013	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 25, 2013	
8	SUSPENDED	Jun 25, 2013	

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,971,826

United States Patent and Trademark Office

Registered July 19, 2005

**TRADEMARK
PRINCIPAL REGISTER**

VAGISIL

COMBE PHARMA LTD. (DELAWARE CORPORATION)
1101 WESTCHESTER AVENUE
WHITE PLAINS, NY 106043597

FIRST USE 2-4-2005; IN COMMERCE 2-4-2005.

OWNER OF U.S. REG. NOS. 1,104,172, 2,552,376,
AND OTHERS.

FOR: PHARMACEUTICALS, NAMELY, MEDICATED PREMOISTENED TOWELETTES FOR FEMINE USE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SN 76-506,165, FILED 4-14-2003.

KELLEY WELLS, EXAMINING ATTORNEY

EXHIBIT 4

Generated on: This page was generated by TSDR on 2013-11-14 16:46:06 EST

Mark: VAGISIL

VAGISIL

US Serial Number: 78852682
US Registration Number: 3285997
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Feb. 02, 2013
Publication Date: Jun. 12, 2007
Application Filing Date: Apr. 03, 2006
Registration Date: Aug. 28, 2007

Mark Information

Mark Literal Elements: VAGISIL
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1104172, 1424503, 1902353 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Vaginal pH testing kits containing testing swabs and color guides
International Class(es): 010 - Primary Class
U.S Class(es): 026, 039, 044
Class Status: ACTIVE
Basis: 1(a)
First Use: Mar. 30, 2006
Use in Commerce: Mar. 30, 2006

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: COMBE INCORPORATED
Owner Address: 1101 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 106043597
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert R. Caliri
Attorney Primary Email: rcaliri@olsonip.com
Docket Number: Report 413
Attorney Email: No

Address:

Authorized:

Correspondent

Correspondent Name/Address: Robert R. Caliri
Olson & Cepuritis, Ltd.
20 North Wacker Drive
36th Floor
Chicago, ILLINOIS 60606
UNITED STATES

Phone: 1-312-580-1180

Fax: 1-312-580-1189

Correspondent e-mail: rcaliri@olsonip.comCorrespondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 02, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Feb. 02, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Feb. 02, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jan. 18, 2013	TEAS SECTION 8 & 15 RECEIVED	
Dec. 23, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 15, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 15, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 16, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 28, 2007	REGISTERED-PRINCIPAL REGISTER	
Jun. 12, 2007	PUBLISHED FOR OPPOSITION	
Jun. 04, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 23, 2007	NOTICE OF PUBLICATION	
Apr. 13, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Apr. 13, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 13, 2007	AMENDMENT FROM APPLICANT ENTERED	70997
Apr. 13, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	70997
Apr. 13, 2007	ASSIGNED TO LIE	70997
Mar. 09, 2007	PAPER RECEIVED	
Sep. 15, 2006	NON-FINAL ACTION MAILED	
Sep. 14, 2006	NON-FINAL ACTION WRITTEN	61700
Sep. 14, 2006	ASSIGNED TO EXAMINER	61700
Apr. 07, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 114

Date in Location: Feb. 02, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Combe Pharma Ltd.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3686/0181](#)

Pages: 6

Date Recorded: Dec. 26, 2007

Supporting Documents: [assignment-tm-3686-0181.pdf](#)

Assignor

Name: [COMBE PHARMA LTD.](#)

Execution Date: Dec. 20, 2007

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [COMBE INCORPORATED](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 1101 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 10604-3597

Correspondent

Correspondent Name: ROBERT R. CALIRI

Correspondent Address: OLSON & CEPURITIS, LTD.
20 NORTH WACKER DRIVE
36TH FLOOR
CHICAGO, ILLINOIS 60606

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91209708](#)

Filing Date: Mar 07, 2013

Status: Pending

Status Date: Mar 07, 2013

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Dr. August Wolff; GmbH & Co. KG Arzneimi ttel

Correspondent Address: MICHAEL J STRIKER
STRIKER STRIKER & STENBY
103 E NECK RD
HUNTINGTON NY , 11743-1567
UNITED STATES

Correspondent e-mail: striker@strikerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISAN	Opposition Pending	79111922	

Plaintiff(s)

Name: Combe Incorporated

Correspondent Address: ROBERT R CALIRI
OLSON & CEPURITIS LTD
20 N WACKER DR, 36TH FLOOR
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: rcaliri@olsonip.com , adigman@olsonip.com , docket@olsonip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISIL	Renewed	73164746	1104172
VAGISIL	Renewed	73536975	1424503
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	76506165	2971826
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	78852682	3285997
VAGISIL SATIN	Registered	77608036	3696951
VAGISIL	Registered	85311816	4073832
VAGISIL	Registered	85532058	4205458

VAGISIL THE EXPERT IN INTIMATE SKIN

Abandoned - No Statement Of Use Filed

[85407329](#)

VAGISIL

Registered

[85622954](#)

[4343995](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2013	Apr 21, 2013
3	PENDING, INSTITUTED	Mar 12, 2013	
4	STIP FOR EXT	Apr 10, 2013	
5	EXTENSION OF TIME GRANTED	Apr 10, 2013	
6	ANSWER	May 14, 2013	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 25, 2013	
8	SUSPENDED	Jun 25, 2013	

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

United States Patent and Trademark Office

Reg. No. 3,285,997

Registered Aug. 28, 2007

**TRADEMARK
PRINCIPAL REGISTER**

VAGISIL

COMBE PHARMA LTD. (DELAWARE CORPORATION)

1101 WESTCHESTER AVENUE

WHITE PLAINS, NY 106043597

FOR: VAGINAL PH TESTING KITS CONTAINING TESTING SWABS AND COLOR GUIDES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 3-30-2006; IN COMMERCE 3-30-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,104,172, 1,902,353 AND OTHERS.

SER. NO. 78-852,682, FILED 4-3-2006.

RICHARD A. STRASER, EXAMINING ATTORNEY

EXHIBIT 5

Generated on: This page was generated by TSDR on 2013-11-14 16:47:35 EST

Mark: VAGISIL SATIN

VAGISIL SATIN

US Serial Number: 77608036
US Registration Number: 3696951
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 13, 2009
Publication Date: Mar. 17, 2009
Application Filing Date: Nov. 05, 2008
Registration Date: Oct. 13, 2009
Notice of Allowance Date: Jun. 09, 2009

Mark Information

Mark Literal Elements: VAGISIL SATIN
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1104172, 2521137, 2971826 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Medicated nonprescription topical creams, namely, anti-itch creams

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 08, 2009

Use in Commerce: Jan. 08, 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Combe Incorporated
Owner Address: 1101 Westchester Avenue
White Plains, NEW YORK 10604
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert R. Caliri
Attorney Primary Email: rcaliri@olsonip.com
Docket Number: USA 410
Attorney Email: No

Address:

Authorized:

Correspondent

Correspondent Name/Address: Robert R. Caliri
OLSON & CEPURITIS, LTD.
20 North Wacker Drive
36th Floor
Chicago, ILLINOIS 60606
UNITED STATES

Phone: 1-312-580-1180

Fax: 1-312-580-1189

Correspondent e-mail: rcaliri@olsonip.comCorrespondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 13, 2009	REGISTERED-PRINCIPAL REGISTER	
Sep. 04, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	76243
Sep. 04, 2009	ASSIGNED TO LIE	76243
Sep. 02, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 31, 2009	STATEMENT OF USE PROCESSING COMPLETE	65362
Aug. 03, 2009	USE AMENDMENT FILED	65362
Aug. 31, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Aug. 03, 2009	PAPER RECEIVED	
Jun. 09, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 17, 2009	PUBLISHED FOR OPPOSITION	
Feb. 25, 2009	NOTICE OF PUBLICATION	
Feb. 06, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Feb. 05, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 05, 2009	AMENDMENT FROM APPLICANT ENTERED	76568
Feb. 05, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Feb. 05, 2009	ASSIGNED TO LIE	76568
Feb. 03, 2009	PAPER RECEIVED	
Dec. 17, 2008	NON-FINAL ACTION MAILED	
Dec. 17, 2008	NON-FINAL ACTION WRITTEN	81840
Dec. 12, 2008	ASSIGNED TO EXAMINER	81840
Nov. 10, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 04, 2009

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91209708](#)

Filing Date: Mar 07, 2013

Status: Pending

Status Date: Mar 07, 2013

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Dr. August Wolff; GmbH & Co. KG Arzneimi ttel

Correspondent Address: MICHAEL J STRIKER
STRIKER STRIKER & STENBY
103 E NECK RD
HUNTINGTON NY , 11743-1567

UNITED STATES

Correspondent e-mail: striker@strikerlaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
VAGISAN	Opposition Pending	79111922	
Plaintiff(s)			

Name: Combe Incorporated

Correspondent Address: ROBERT R CALIRI
OLSON & CEPURITIS LTD
20 N WACKER DR, 36TH FLOOR
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: rcaliri@olsonip.com , adigman@olsonip.com , docket@olsonip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
VAGISIL	Renewed	73164746	1104172
VAGISIL	Renewed	73536975	1424503
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	76506165	2971826
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	78852682	3285997
VAGISIL SATIN	Registered	77608036	3696951
VAGISIL	Registered	85311816	4073832
VAGISIL	Registered	85532058	4205458
VAGISIL THE EXPERT IN INTIMATE SKIN	Abandoned - No Statement Of Use Filed	85407329	
VAGISIL	Registered	85622954	4343995

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2013	Apr 21, 2013
3	PENDING, INSTITUTED	Mar 12, 2013	
4	STIP FOR EXT	Apr 10, 2013	
5	EXTENSION OF TIME GRANTED	Apr 10, 2013	
6	ANSWER	May 14, 2013	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 25, 2013	
8	SUSPENDED	Jun 25, 2013	

United States of America

United States Patent and Trademark Office

VAGISIL SATIN

Reg. No. 3,696,951 COMBE INCORPORATED (DELAWARE CORPORATION)
Registered Oct. 13, 2009 1101 WESTCHESTER AVENUE
WHITE PLAINS, NY 10604

Int. Cl.: 5 FOR: MEDICATED NONPRESCRIPTION TOPICAL CREAMS, NAMELY, ANTI-ITCH CREAMS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK FIRST USE 1-8-2009; IN COMMERCE 1-8-2009.
PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,104,172, 2,971,826, AND OTHERS.

SN 77-608,036, FILED 11-5-2008.

DANNEAN HETZEL, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

EXHIBIT 6

Generated on: This page was generated by TSDR on 2013-11-14 16:48:38 EST

Mark: VAGISIL

VAGISIL

US Serial Number: 85311816
US Registration Number: 4073832
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Dec. 20, 2011
Publication Date: Oct. 04, 2011

Application Filing Date: May 04, 2011

Registration Date: Dec. 20, 2011

Mark Information

Mark Literal Elements: VAGISIL
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1104172, 1424503, 2046035 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Non-medicated feminine washes

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 14, 2009

Use in Commerce: Dec. 14, 2009

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Combe Incorporated
Owner Address: 1101 Westchester Avenue
White Plains, NEW YORK 10604
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert R. Caliri
Attorney Primary Email: rcaliri@olsonip.com
Docket Number: USA 436
Attorney Email: No

Address:

Authorized:

Correspondent

Correspondent Name/Address: ROBERT R. CALIRI
OLSON & CEPURITIS, LTD.
20 N WACKER DR FL 36
CHICAGO, ILLINOIS 60606-3103
UNITED STATES

Phone: 1-312-580-1180

Fax: 1-312-580-1189

Correspondent e-mail: rcaliri@olsonip.comCorrespondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 20, 2011	REGISTERED-PRINCIPAL REGISTER	
Oct. 04, 2011	PUBLISHED FOR OPPOSITION	
Sep. 14, 2011	NOTICE OF PUBLICATION	
Sep. 14, 2011	NOTICE OF PUBLICATION	
Aug. 27, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Aug. 26, 2011	ASSIGNED TO LIE	70138
Aug. 26, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 24, 2011	EXAMINER'S AMENDMENT MAILED	
Aug. 23, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 23, 2011	EXAMINERS AMENDMENT -WRITTEN	81854
Aug. 17, 2011	ASSIGNED TO EXAMINER	81854
May 10, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 07, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 20, 2011

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91209708](#)

Filing Date: Mar 07, 2013

Status: Pending

Status Date: Mar 07, 2013

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Dr. August Wolff; GmbH & Co. KG Arzneimi ttel

Correspondent Address: MICHAEL J STRIKER
STRIKER STRIKER & STENBY
103 E NECK RD
HUNTINGTON NY , 11743-1567
UNITED STATES

Correspondent e-mail: striker@strikerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISAN	Opposition Pending	79111922	
Plaintiff(s)			

Name: Combe Incorporated

Correspondent Address: ROBERT R CALIRI
OLSON & CEPURITIS LTD
20 N WACKER DR, 36TH FLOOR

CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: rcaliri@olsonip.com , adigman@olsonip.com , docket@olsonip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
VAGISIL	Renewed	73164746	1104172
VAGISIL	Renewed	73536975	1424503
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	76506165	2971826
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	78852682	3285997
VAGISIL SATIN	Registered	77608036	3696951
VAGISIL	Registered	85311816	4073832
VAGISIL	Registered	85532058	4205458
VAGISIL THE EXPERT IN INTIMATE SKIN	Abandoned - No Statement Of Use Filed	85407329	
VAGISIL	Registered	85622954	4343995

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2013	Apr 21, 2013
3	PENDING, INSTITUTED	Mar 12, 2013	
4	STIP FOR EXT	Apr 10, 2013	
5	EXTENSION OF TIME GRANTED	Apr 10, 2013	
6	ANSWER	May 14, 2013	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 25, 2013	
8	SUSPENDED	Jun 25, 2013	

United States of America
United States Patent and Trademark Office

VAGISIL

Reg. No. 4,073,832

Registered Dec. 20, 2011

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

COMBE INCORPORATED (DELAWARE CORPORATION)
1101 WESTCHESTER AVENUE
WHITE PLAINS, NY 10604

FOR: NON-MEDICATED FEMININE WASHES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-14-2009; IN COMMERCE 12-14-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,104,172, 2,046,035 AND OTHERS.

SER. NO. 85-311,816, FILED 5-4-2011.

DOMINIC FATHY, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT 7

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Mark: VAGISIL

VAGISIL

US Serial Number: 85532058
US Registration Number: 4205458
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Sep. 11, 2012
Publication Date: Jun. 26, 2012

Application Filing Date: Feb. 02, 2012

Registration Date: Sep. 11, 2012

Mark Information

Mark Literal Elements: VAGISIL
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1104172, 1424503, 2971826 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Moisturizers for the skin at the external vaginal area

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 24, 1995

Use in Commerce: Jul. 24, 1995

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Combe Incorporated
Owner Address: 1101 Westchester Avenue
White Plains, NEW YORK 10604
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert R. Caliri
Attorney Primary Email: rcaliri@olsonip.com
Docket Number: USA 448
Attorney Email: No

Address:

Authorized:

Correspondent

Correspondent Name/Address: ROBERT R. CALIRI
OLSON & CEPURITIS, LTD.
20 N WACKER DR FL 36
CHICAGO, ILLINOIS 60606-3103
UNITED STATES

Phone: 1-312-580-1180

Fax: 1-312-580-1189

Correspondent e-mail: rcaliri@olsonip.comCorrespondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 11, 2012	REGISTERED-PRINCIPAL REGISTER	
Jun. 26, 2012	PUBLISHED FOR OPPOSITION	
Jun. 06, 2012	NOTICE OF PUBLICATION	
May 14, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 14, 2012	ASSIGNED TO EXAMINER	73372
Feb. 07, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 06, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 11, 2012

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91209708](#)

Filing Date: Mar 07, 2013

Status: Pending

Status Date: Mar 07, 2013

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Dr. August Wolff; GmbH & Co. KG Arzneimi ttel

Correspondent Address: MICHAEL J STRIKER
STRIKER STRIKER & STENBY
103 E NECK RD
HUNTINGTON NY , 11743-1567
UNITED STATES

Correspondent e-mail: striker@strikerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISAN	Opposition Pending	79111922	

Plaintiff(s)

Name: Combe Incorporated

Correspondent Address: ROBERT R CALIRI
OLSON & CEPURITIS LTD
20 N WACKER DR, 36TH FLOOR
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: rcaliri@olsonip.com , adigman@olsonip.com , docket@olsonip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VAGISIL	Renewed	73164746	1104172
VAGISIL	Renewed	73536975	1424503

VAGISIL	Section 8 and 15 - Accepted and Acknowledged	76506165	2971826
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	78852682	3285997
VAGISIL SATIN	Registered	77608036	3696951
VAGISIL	Registered	85311816	4073832
VAGISIL	Registered	85532058	4205458
VAGISIL THE EXPERT IN INTIMATE SKIN	Abandoned - No Statement Of Use Filed	85407329	
VAGISIL	Registered	85622954	4343995

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2013	Apr 21, 2013
3	PENDING, INSTITUTED	Mar 12, 2013	
4	STIP FOR EXT	Apr 10, 2013	
5	EXTENSION OF TIME GRANTED	Apr 10, 2013	
6	ANSWER	May 14, 2013	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 25, 2013	
8	SUSPENDED	Jun 25, 2013	

United States of America
United States Patent and Trademark Office

VAGISIL

Reg. No. 4,205,458

Registered Sep. 11, 2012

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

COMBE INCORPORATED (DELAWARE CORPORATION)
1101 WESTCHESTER AVENUE
WHITE PLAINS, NY 10604

FOR: MOISTURIZERS FOR THE SKIN AT THE EXTERNAL VAGINAL AREA, IN CLASS 3
(U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 7-24-1995; IN COMMERCE 7-24-1995.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,104,172, 2,971,826 AND OTHERS.

SER. NO. 85-532,058, FILED 2-2-2012.

KIMBERLY PERRY, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT 8

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Mark: VAGISIL



US Serial Number: 85622954
US Registration Number: 4343995
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 28, 2013
Publication Date: Oct. 09, 2012
Application Filing Date: May 11, 2012
Registration Date: May 28, 2013
Notice of Allowance Date: Dec. 04, 2012

Mark Information

Mark Literal Elements: VAGISIL
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the word "VAGISIL" in stylized letters, and a design consisting of two curved members which converge at the bottom of the design.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.17.09 - Bands, curved; Lines, curved; Curved line(s), band(s) or bar(s); Bars, curved

Related Properties Information

Claimed Ownership of US Registrations: 1104172, 1424503, 3285997 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Nonmedicated products for feminine use, namely, feminine soothing creams for the skin, moisturizers for the skin at the external vaginal area, feminine deodorant powders, and nonmedicated feminine hygiene washes

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 22, 2013

Use in Commerce: Jan. 22, 2013

For: Medicated products for feminine use, namely, feminine anti-itch creams, and premoistened feminine wipes

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 22, 2013

Use in Commerce: Jan. 22, 2013

For: Vaginal pH screening kits containing pH test swabs and color guides

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 29, 2013

Use in Commerce: Jan. 29, 2013

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Combe Incorporated
Owner Address: 1101 Westchester Avenue
 White Plains, NEW YORK 10604
 UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert R. Caliri **Docket Number:** 451
Attorney Primary Email Address: rcaliri@olsonip.com **Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: ROBERT R. CALIRI
 OLSON & CEPURITIS, LTD.
 20 N WACKER DR FL 36
 CHICAGO, ILLINOIS 60606-3103
 UNITED STATES
Phone: 1-312-580-1180 **Fax:** 1-312-580-1189
Correspondent e-mail: rcaliri@olsonip.com **Correspondent e-mail Authorized:** No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 28, 2013	REGISTERED-PRINCIPAL REGISTER	
Apr. 25, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Apr. 24, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Apr. 24, 2013	ASSIGNED TO LIE	68171
Apr. 09, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 09, 2013	STATEMENT OF USE PROCESSING COMPLETE	65362
Mar. 14, 2013	USE AMENDMENT FILED	65362
Apr. 05, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Mar. 14, 2013	TEAS STATEMENT OF USE RECEIVED	
Dec. 04, 2012	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 09, 2012	PUBLISHED FOR OPPOSITION	
Sep. 19, 2012	NOTICE OF PUBLICATION	
Sep. 05, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 04, 2012	ASSIGNED TO EXAMINER	81092
May 18, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
May 17, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 15, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 24, 2013

Proceedings

Summary			
Number of Proceedings: 1			
Type of Proceeding: Opposition			
Proceeding Number: 91209708		Filing Date: Mar 07, 2013	
Status: Pending		Status Date: Mar 07, 2013	
Interlocutory Attorney: WENDY COHEN			
Defendant			
Name: Dr. August Wolff; GmbH & Co. KG Arzneimi ttel			
Correspondent Address: MICHAEL J STRIKER STRIKER STRIKER & STENBY 103 E NECK RD HUNTINGTON NY , 11743-1567 UNITED STATES			
Correspondent e-mail: striker@strikerlaw.com			
Associated marks			
Mark	Application Status	Serial Number	Registration Number
VAGISAN	Opposition Pending	79111922	
Plaintiff(s)			
Name: Combe Incorporated			
Correspondent Address: ROBERT R CALIRI OLSON & CEPURITIS LTD 20 N WACKER DR, 36TH FLOOR CHICAGO IL , 60606 UNITED STATES			
Correspondent e-mail: rcaliri@olsonip.com , adigman@olsonip.com , docket@olsonip.com			
Associated marks			
Mark	Application Status	Serial Number	Registration Number
VAGISIL	Renewed	73164746	1104172
VAGISIL	Renewed	73536975	1424503
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	76506165	2971826
VAGISIL	Section 8 and 15 - Accepted and Acknowledged	78852682	3285997
VAGISIL SATIN	Registered	77608036	3696951
VAGISIL	Registered	85311816	4073832
VAGISIL	Registered	85532058	4205458
VAGISIL THE EXPERT IN INTIMATE SKIN	Abandoned - No Statement Of Use Filed	85407329	
VAGISIL	Registered	85622954	4343995
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2013	Apr 21, 2013
3	PENDING, INSTITUTED	Mar 12, 2013	
4	STIP FOR EXT	Apr 10, 2013	
5	EXTENSION OF TIME GRANTED	Apr 10, 2013	
6	ANSWER	May 14, 2013	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 25, 2013	
8	SUSPENDED	Jun 25, 2013	

United States of America

United States Patent and Trademark Office



Reg. No. 4,343,995

Registered May 28, 2013

Int. Cls.: 3, 5, and 10

TRADEMARK

PRINCIPAL REGISTER

COMBE INCORPORATED (DELAWARE CORPORATION)
1101 WESTCHESTER AVENUE
WHITE PLAINS, NY 10604

FOR: NONMEDICATED PRODUCTS FOR FEMININE USE, NAMELY, FEMININE SOOTHING CREAMS FOR THE SKIN, MOISTURIZERS FOR THE SKIN AT THE EXTERNAL VAGINAL AREA, FEMININE DEODORANT POWDERS, AND NONMEDICATED FEMININE HYGIENE WASHES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-22-2013; IN COMMERCE 1-22-2013.

FOR: MEDICATED PRODUCTS FOR FEMININE USE, NAMELY, FEMININE ANTI-ITCH CREAMS, AND PREMOISTENED FEMININE WIPES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 1-22-2013; IN COMMERCE 1-22-2013.

FOR: VAGINAL PH SCREENING KITS CONTAINING PH TEST SWABS AND COLOR GUIDES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-29-2013; IN COMMERCE 1-29-2013.

OWNER OF U.S. REG. NOS. 1,104,172, 3,285,997, AND OTHERS.

THE MARK CONSISTS OF THE WORD "VAGISIL" IN STYLIZED LETTERS, AND A DESIGN CONSISTING OF TWO CURVED MEMBERS WHICH CONVERGE AT THE BOTTOM OF THE DESIGN.

SN 85-622,954, FILED 5-11-2012.

ELI HELLMAN, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.